

**FORT MYERS BEACH
TOWN COUNCIL WORKSHOP
SEPTEMBER 10, 1998**
NationsBank Building, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

Mayor Anita T. Cereceda opened the meeting on Thursday, September 10, 1998 at 6:32 P.M. Present at the meeting were: Mayor Cereceda; Vice-Mayor Ray Murphy; Council Members Daniel Hughes, Garr Reynolds, and John Mulholland; Town Manager Marsha Segal-George; Deputy Town Manager John Gucciardo; and Town Attorney Richard Roosa.

II PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance to the flag.

III PUBLIC COMMENT

There was no public comment.

IV DISCUSSION ON THE PEDESTRIAN OVERPASS

Mr. Van Duzer said he previously made a brief presentation to the Council based on an artist's conception. He has asked Mrs. Segal-George not to get a survey of the area because he has one. He pointed to the existing pavilion on Seafarer's, the crosswalk, the island, and the area on the other side, which is public property. He had the survey done for Mr. Wiebe and while he was having it done, he had them include the area across the street. It also gives elevations for FEMA. It is not a final survey but gives an indication of what we have. He also offered a basic estimate of cost based on what the engineer gave him. He showed a picture showing a basic design from Tampa that should be the same design principle as we would use. Mr. Murphy had asked how to keep people from violating the crossover. Mr. Van Duzer said there is already a median and perhaps it could be extended further. You would have to do something in the median to make it difficult to cross. He thinks perhaps there could be railings similar to what is in the picture. Mayor Cereceda suggested that a wavy wall would be cool. Mr. Van Duzer said perhaps the wavy wall plus a railing would make it more difficult to go over. Any further steps the Council wants to take toward building an overpass will cost money and must be authorized by the council. He feels like he has provided enough information to let them know what could be done and what it will look like. It can work. There will have to be some cooperative efforts. There would need to be further surveys for utilities, but it has been pretty well determined that there are not any in that area. It would take an elevator on both sides. On the side near the bus stop, the center of the pavilion would have an elevator with a walk-around staircase around the elevator shaft. On the Seafarer's side, there is already a pavilion, and there would be an elevator. If Mr. Wiebe goes ahead with the rooftop restaurant, he would need an elevator anyway. But he needs to know soon, so he will know how many landings he would need. It would take a third landing for the handicapped so people can use the overpass and not have to go into his building. Mr. Wiebe said he does not know whether this is good for his property. He doesn't know how people will react to having to go up to cross the street rather than just cross the street. It could also be a benefit to him, but he doesn't know. But he is willing to try because he is tired of sitting in traffic too. If the town can find a better location, he will not mind. The gazebo is 2.5' too low and will have to be raised 3.5 feet. It will cost \$500,000 for the whole thing. His part would be the elevator on his side, the gazebo (which is already there), the easement (which the town will need to do the project), and if he has to strengthen the gazebo to hold the structure. Mr. Hughes asked what the rough idea of his cost would be. Mr. Wiebe thinks his share would be \$200,000. Mr. Van Duzer said he thinks that is realistic if you count the cost of the easement. Mr. Wiebe said his elevator will cost more because it will be fancier. Mayor Cereceda said the Council needs to decide if there is still a desire to continue. Mr. Murphy said he is in favor of exploring it further in light of our traffic problem. If we can also do some rerouting, he does not see how it could do anything but help.

Mayor Cereceda asked if we are at the point of expending money to explore the idea further or of doing the project. Mr. Reynolds said he thinks we are at the point of decision. But he is hearing that most people don't believe it will do much good to relieve the traffic with just one crossover. He also thought it

was a 50/50 project. Mayor Cereceda said it was a 50/50 split of the study with Mr. Fowler, but the project was not agreed to at 50%. Mr. Wiebe said he never agreed to a 50% split. Mr. Hughes said when he came into it, we were only talking about 50% of the soft cost (engineering, etc.) Mr. Murphy and Mr. Mulholland agreed that was their understanding too. Mayor Cereceda asked if we end up saying go ahead, what is the procedure. Mr. Van Duzer said the Town would contact an outside engineering firm and use the information gathered so far. Let them do the final design and cost projections. They can do a preliminary design and estimate of cost to be presented to the council. The original feasibility study was nothing more than what has been done now. Mrs. Segal-George said if they want to proceed, they can do design/build. The engineer and contractor come together as a team and give you a price. The problem is that we would have to have someone spec it out. You must have enough specifications before they can do that. That would reveal the total cost. Mr. Van Duzer said you would have an engineering firm do that. You can use the firm that has already done some work, or you can also contact others. They will give you an estimate, but you have to have enough information to get an accurate bid. Mayor Cereceda asked if we are talking about \$10,000 or \$100,000 to get to the point where they can give us an accurate bid. Mr. Van Duzer said we should go to several engineering firms and say you want to build something like this, and ask how much it would cost to get the specs. Mrs. Segal-George said that Florida requires that with engineers you must go through competitive negotiation without discussion of price.

Mr. Reynolds asked if any other council members have gotten reactions to the project. Mr. Hughes said people are not running up to him and telling him, but people are unanimously looking for a solution to the dangerous crosswalk, and are looking to the council for a solution. We can't tolerate that crosswalk there in the manner that now exists. That is the feedback he is getting. Mr. Murphy said he has had various comments about the concept. He can't give percentages, but most are positive. The underlying thing that is overwhelming is that we need to address the traffic problems, and this is just one part of it. They have been waiting for us for three years to do something and they are still waiting. Mr. Mulholland said he has gotten limited feedback that is pretty close both positive and negative. But the one question is how are you going to make people use it rather than cross the street. If we have to put something on the sidewalks to prevent it, is there a problem because the sidewalk is quite narrow. Mr. Van Duzer said the median is probably where we need to stop it. Then the crosswalk becomes more attractive. He sees the median being extended 100-150 or 200 feet. It can be extended around the corner so people aren't trying to cross there. He does not believe we want fencing on both sides of the road.

Mr. Hughes said that he believes it would cost approximately \$10,000 to get an engineer to do specifications for a bid package that would enable us to go to bid. Mr. Murphy said he thinks that is a good ballpark figure. The engineers sometimes take a percentage of what they think the cost of the job will be. Mr. Wiebe said he thinks \$20,000 would be the worst-case scenario. Mr. Murphy said we could perhaps get Mr. Wiebe to help split the soft costs too because there is a benefit to him too. We will discourage people from crossing the street, and feeding them into his area can't help but help him. Mrs. Segal-George said this cost could come out of transportation funds. Mr. Reynolds also asked about the other two crosswalks at McDonalds and Lani Kai. Some people will swear that those are just as bad as this one. They think the McDonalds crosswalk will become quite congested if we take the other one away. Mayor Cereceda said some people would like to see every crosswalk on the island eliminated. Crosswalks do create traffic but they also create a safer environment. Mr. Wiebe said that what you solve is getting rid of the costliest crosswalk, the one with one or two policemen there during high season. The policemen are there because this is the crosswalk that hinders the traffic most. Mr. Mulholland asked about the traffic light we hope to eliminate. Mrs. Segal-George said it is under the jurisdiction of the state, but in preliminary discussions, they are more than willing to remove the light. Mr. Hughes said the removal of the light is critical--it is the worst problem. Mrs. Segal-George said we have been able to control when the light is flashing and when it is on. We just can't remove it without permission. Mayor Cereceda said we need direction on whether to move forward with the study or drop it now. She made sure Mr. Wiebe understood that even after the study, the council could decide not to go further. Mr. Reynolds said he had not heard about the rooftop restaurant before tonight and he asked Mr. Wiebe if the overpass is not built, will he go ahead with the elevator? Mr. Van Duzer said he made a presentation at an earlier council meeting which showed two restaurants, one upstairs and one downstairs. Since then, Mr. Wiebe has decided that he probably is not going to proceed with the downstairs restaurant. He will have to put in the elevator if he has the rooftop restaurant. In fact, he wants a glass elevator.

Mr. Hughes suggested that if the council wishes to proceed, would we also hold out the carrot that the engineer would be the construction supervisor? Mrs. Segal-George said that with design/build, you

usually hire an independent overseer. If you have an engineer spec it, he can't bid on it. Mr. Van Duzer said he would not bid on the job. Mrs. Segal-George said that with design/build, you get away with not being able to choose the engineer based on price. If you do design/build, it is tied together and you can select on price. Mr. Hughes said he is in favor of the project, but he can't make a decision without the engineering feasibility and price. Mr. Mulholland agreed with Mr. Hughes. Mr. Reynolds said if we keep putting funds into it, we will just say that we have spent this much money, how much more will we have to spend. We haven't even decided if we want it, and he has problems with it. He has attended the traffic committee meeting at the chamber for 2.5 years and he doesn't believe they have confirmed whether they think it is good or bad. They have not confirmed their support, and they are mostly merchants on the committee. His inclination would be not to proceed. Mr. Murphy is in favor of moving forward in the exploration process to see how it fits into the overall traffic problem. Mr. Mulholland asked if Mr. Reynolds had any traffic studies that say it is not feasible. He said no, but he believes that Mohsen Salehi said that he is not sure that it will do anything for the traffic. Mayor Cereceda said there is a majority that wants to go ahead, so what would be the next step? Mrs. Segal-George asked if we are proceeding in partnership or not. Would Mr. Wiebe continue to share the cost? He said he has no problem with that until we get to firm proposal of what it would cost. We must have a piece of paper that states what we will build and how much it would cost. He suggested putting a cap of perhaps \$15,000 that will be split 50/50. Mayor Cereceda suggested that this be put on the agenda for September 14. Mrs. Segal-George said that if the council approved it at that meeting, she would put out a request for proposal and then interview. (Mayor Cereceda said she would like Mr. Wiebe to participate.) Mrs. Segal-George said after the interview, they would bring a ranking back to the council. Once selected, you then determine if they will do it for the right price. Mr. Wiebe said they could save time if they do it the other way around. How about if he hires someone and then the town pays him back 50/50? Mrs. Segal-George said there are some deliverables we need because this is the key for the design/build. The town will be picking up the lion's share of the overpass, and if that part is not done correctly we will suffer later. Mr. Roosa said this is not a big project and time is not critical, so he thinks it would be better to have the Town contract for this service. That way the Town will have the contract and might have more clout with the engineer and the county, etc. Mrs. Segal-George said she does not think it will take too long, and if there is a problem with the building later, we will have the contract with the engineer who drew the specs. It was agreed this will be brought up on Monday. Mr. Wiebe asked about the time line. Mrs. Segal-George said that after it is authorized on Monday, she will try to have engineer rankings back to the council within six weeks. One of the negotiations will be how soon they can turn around the project. Mr. Wiebe asked if we want to have this before the year 2000, 2005, 2010? Are we hoping to build it next off-season or the next? Mr. Reynolds said that perhaps we should back off. Mr. Wiebe can go ahead and build the elevator. Mr. Hughes said the elevator would not be in the same place if he is just putting it in for his building only. Mr. Van Duzer said that they are now designing an elevator. The design will change and have one more stop on it if there will be a crosswalk. Mr. Wiebe won't need to raise the pavilion if the crosswalk does not go in. Mr. Reynolds said he can just build the elevator and we will connect to it later. Mr. Van Duzer said Mr. Wiebe will probably spend another \$50-60,000 that he will not have to expend if the overpass is not there. Mayor Cereceda stated that we would be further along except for the problems between Mr. Wiebe and Mr. Fowler. We are committing to go beyond step one, which will be approximately six weeks. We are not going to talk about this for 5 or 6 years. Mrs. Segal-George said if the council agrees to move forward at every step, it would be under construction by next summer. Mr. Hughes agrees it could be done, except there might be a problem because it is over a state right-of way. Mrs. Segal-George agreed that the most difficult part will be permitting. It can go faster on design/build because they can do the permitting at the same time. Permitting will be difficult, but because we are a government, perhaps we can move a little faster.

V DISCUSSION OF CHARTER REVISION ISSUES

Mr. Mulholland said that he brought this back up because the charter review commission made a study and it looks like all the recommended changes have not been accomplished. The memo of June 8 indicates what has been done, what needs no action, and what needs more work. It look like 5 or 6 would need a referendum. He would like to get them to reconvene and look at the memo and confirm this. If we need a referendum, maybe we can get it done next year. Mr. Roosa said he has done a draft resolution to recreate the commission and it will be in the packets for Monday. Mrs. Segal-George said we are trying to hone in on what we want them to review so that when we call them up and ask them to serve

again, we can tell them what they are to do. Two issues have already gone to referendum. Do we want them to consider only the remaining issues (#10 11, 12, 21) or do you want it broader? Mr. Roosa said we don't want to create this commission by ordinance because it will probably only meet a couple of times. We couldn't just bring them back because they were officially disbanded. Mr. Hughes asked if they have the right to broaden their scope and look at other issues. Mr. Murphy said he thinks we are trying to give them direction to address the specific items that were left hanging the last time. Some of the members were dissatisfied because they did all the work and then we didn't act on all of them. This time, rather than making them go through the whole process again, we should limit them to these specifics. Items will come up all the time and we can reconvene them again if we need to . Mr. Mulholland agreed.

VI PUBLIC COMMENT

A LENA HEYMAN

Lena Heyman said if you don't eliminate the left turn at Fifth Street and direct traffic down Crescent and under the bridge, you won't fix the traffic problem. Otherwise you will still have traffic backed up under the bridge. She thinks that \$17 an hour is a wonderful value in order to save lives. Besides we have VOICE volunteers that serve at no pay. Unless you put up a barrier for the pedestrians to force them to use the crossover, they will still cut around the other side of Seafarer's and cross the street. But the most important thing is we must eliminate the left turn onto Fifth Street.

Mrs. Segal-George said the charette will talk about Fifth Street as they look at design for the area. The charette is September 26 at Town Hall from 9 am to 3 PM. We have sent out flyers to people in the area and will also have information in the Observer in order to get as many people there as possible.

B BETTY CRAWFIS

Mrs. Crawfis has not followed the overpass issue too closely, but she also had the impression that it would be a 50/50 split. She has seen overpasses in Atlanta and Toledo, and people will use the shortest way. They will go down by McDonalds and cross there. It is a shame that we can't get more people involved in the decision or run a survey. Mayor Cereceda said what people want is for the Council to do something.

VII ADJOURNMENT

The meeting adjourned 7:45 PM.

Respectfully submitted,

Peggy Salfen
Recording Secretary